

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 03-20
)	
AKINAKA & ASSOCIATES, LTD. and)	
Robert Y. Akinaka,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around January 2003, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Akinaka & Associates, Ltd., and Robert Y. Akinaka (hereinafter "Akinaka" unless otherwise noted). Akinaka is registered with the Business Registration Division as doing business in engineering, whose business address is 3049 Ualena Street, Suite 500, Honolulu, Hawaii. Officers of Akinaka include: Robert Akinaka; President, Sheldon T. Yamasato; Executive Vice-President/Treasurer, Henry Morita; Executive Vice-President, and Barry K. Muranaka; Vice-President/Secretary. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Akinaka and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.

- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 1. On or around January 2003, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Ben Cayetano campaign committee ("Cayetano"), Jeremy Harris campaign committee ("Harris"), Mazie Hirono campaign committee ("Hirono"), Ron Kouchi campaign committee ("Kouchi"), Fred Holschuh campaign committee ("Holschuh"), Kimo Apana campaign committee ("Apana"), and Maryann Kusaka campaign committee ("Kusaka") initiated an investigation involving violations of the campaign finance statute.
 2. Section 11-204(a)(1)(B), ("HRS"), reads in part as follows: No person, other than a candidate for the candidate's own campaign, or

any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.

3. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
4. Section 11-204(h), HRS, reads in part as follows:...an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
5. Section 11-202, HRS, reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
6. The Commission finds that during the period 1997 to 2001 Akinaka, officers and family members made contributions to subject candidates totaling \$33,700.

7. The Commission finds that Akinaka, officers and family members made contribution to at least the following candidates:

Cayetano	\$7,500
Harris,	\$13,000
Hirono	\$2,000
Kouchi	\$4,450
Holschuh	\$3,000
Apana	\$2,000
Kusaka	\$3,750

8. The Commission finds that contributions may have been made by Akinaka in the name of another to the Harris campaign committee.
9. The Commission finds that contribution in excess of the contribution limit may have been made to the Harris campaign committee for the 1996-2000 election period.
10. That Akinaka failed file an organizational report, pursuant to section 11-194, HRS.
11. That Akinaka failed to file disclosure reports, pursuant to sections 11-212 and 11-213, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #03-20, Akinaka understands and agrees to the following:

- (A) Akinaka agrees to an assessment of **Eight Thousand Dollars (\$8,000)** pursuant to section 11-228, HRS.

- (1) The Commission alleges a violation of section 11-202, HRS, making contributions in the name of another to the Harris campaign;

(2) The Commission alleges a violation of section 11-204, HRS, excess contributions to the Harris campaign; and

(3) For failure to file an organizational report and disclosure reports, pursuant to sections 11-194, 11-212 and 11-213, HRS.

(B) Notwithstanding all of the foregoing, nothing in this Agreement shall be deemed to constitute an admission for liability in any civil or criminal proceeding.

(C) Akinaka agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.

(D) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission and Akinaka on the matters raised herein, and no other statement, promise,

or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENT(S)

Robert Y. Akinaka

By: _____

(Name)

(Title)

Date: _____